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No. 1341

CONSTITUTION OF THE SPANISH STATE, 1978

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## TRANSLATIONS ON WESTERN EUROPE

No. 1341

## CONSTITUTION OF THE SPANISH STATE, 1978

Madrid BOLETIN OFICIAL DE LAS CORTES in Spanish No 170, 28 Oct 78  
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## PRESIDENCY OF THE CORTES

The Joint Committee created in compliance with the provisions of Article 3 of the Law for Political Reform and with the help of the Most Excellent Messrs don Antonio Hernandez Gil, president of the Cortes; don Fernando Alvarez de Miranda y Torres, president of the Congress of Deputies; don Antonio Fontan Perez, president of the Senate, and of Deputies the Most Excellent Messrs don Alfonso Guerra Gonzalez, don Jose Pedro Perez-Llorca y Rodrigo, don Miguel Roca Junyent, don Jordi Sole Tura, and Senators the Most Excellent Messrs don Fernando Abril Martorell, don Antonio Jimenez Blanco, don Francisco Ramos Fernandez-Torrecilla and don Jose Vida Soria have studied the differences between the texts approved by the Congress of Deputies and the Senate on the draft Constitution, and as a result has issued the following DECREE:

### Preamble

The Spanish Nation, wishing to establish justice, freedom and security, and to promote the welfare of all its members, in the exercise of its sovereignty proclaims its will to:

Guarantee democratic coexistence within the Constitution and the laws according to a just economic and social order.

Consolidate a state of law which insures the rule of law as the expression of the popular will.

Protect all Spaniards and peoples of Spain in the exercise of human rights, their cultures and traditions, languages and institutions.

Promote the progress of culture and the economy to insure a decent quality of life for all.

Establish an advanced democratic society and,

Cooperate in the strengthening of peaceful relations and effective cooperation among all the peoples of the earth.

Therefore, the Cortes approve, and the Spanish people ratify the following CONSTITUTION.



## Preliminary Title

### Article 1

1. Spain constitutes itself into a social and democratic state of law which advocates liberty, justice, equality and political plurality as the highest values of its juridical code.
2. National sovereignty resides in the Spanish people from whom emanate all the powers of the state.
3. The political system of the Spanish State is the parliamentary monarchy.

### Article 2

The Constitution is based on the indissoluble unity of the Spanish nation, the common and indivisible homeland of all Spaniards, and it recognizes and guarantees the right to autonomy of the nationalities and regions which make it up and solidarity among all of them.

### Article 3

1. Spanish is the official language of the state. All Spaniards have the obligation to learn it and the right to use it.
2. The other languages of Spain will also be official in the autonomous communities, pursuant to their respective statutes.
3. The richness of the various linguistic modalities of Spain is a cultural patrimony which will be the object of special respect and protection.

### Article 4

1. The Spanish flag consists of three horizontal stripes: red, yellow and red, with the yellow stripe being twice as wide as each of the red stripes.
2. The statutes may recognize the flags and ensigns of the autonomous communities. These will be used beside the Spanish flag on their public buildings and in their official ceremonies.

### Article 5

The capital of the State is the city of Madrid.

### Article 6

Political parties express democratic pluralism, help in forming and manifesting the popular will and are a basic instrument for political participation. Their creation and the exercise of their activity are unrestricted within the respect for the Constitution and the law. Their internal structure and operation must be democratic.

### Article 7

Worker unions and management associations contribute to the defense and promotion of their own economic and social interests. Their creation and

the exercise of their activity are unrestricted within respect for the Constitution and the law. Their internal structure and operation must be democratic.

#### Article 8

1. The armed forces, made up of the land army, the navy and the air force, have as their mission the safeguarding of the sovereignty and independence of Spain, The defense of its territorial integrity and constitutional order.
2. One organic law will regulate the bases of the military organization within the principles of the present constitution.

#### Article 9

1. Citizens and state powers are subject to the Constitution and juridical regulation.
2. It is the responsibility of the state powers to promote conditions so that liberty and equality of the individual and the groups he joins will be real and effective, and to remove those obstacles which hinder or make difficult their full implementation, and to facilitate participation of all citizens in political, economic, cultural and social life.
3. The Constitution guarantees the principle of legality, the standards of law, the publication of those standards, the nonretroactive nature of punitive provisions which are not favorable to, or which restrict individual rights; judicial security and the interdiction of arbitrariness of public authorities.

#### Title I

##### On Basic Rights and Duties

#### Article 10

1. The dignity of the individual, the inviolable rights inherent to him, the free development of personality, respect for the law and the rights of others, are the foundations of political order and social peace.
2. Standards relative to basic rights and freedoms recognized by the Constitution, shall be interpreted pursuant to the Universal Declaration of Human Rights and the international treaties and agreements on those matters ratified by Spain.

#### Chapter I

##### On Spaniards and Aliens



## Article 11

1. Spanish nationality is acquired, preserved and lost pursuant to provisions established by law.
2. No one of Spanish birth may be deprived of his nationality.
3. The State may make dual nationality treaties with the Ibero-American countries and with those which may have had, or have, a special bond with Spain. In these countries, even when they do not grant their own citizens a reciprocal right, Spaniards may become naturalized without losing their nationality of origin.

## Article 12

Spaniards become adults at 18 years of age.

## Article 13

1. In Spain, aliens may enjoy the public freedoms guaranteed by the present title under the terms which treaties or laws may establish.
2. Only Spaniards shall have the rights recognized in Article 23 except that which in keeping with the criteria of reciprocity may be established by treaty or law for the right to active suffrage in municipal elections.
3. Extradition will only be granted in compliance with a treaty or the law in keeping with the principle of reciprocity. Excluded from extradition are political crimes, acts of terrorism not being considered as such.
4. The law shall establish the terms under which citizens of other countries and stateless persons may enjoy the right of asylum in Spain.

## Chapter II

### Rights and Freedoms

## Article 14

Spaniards are equal before the law without the existence of any discrimination for reasons of birth, race, sex, religion, opinion or any other personal or social condition or circumstance.

### Section 1

#### Basic Rights and Public Freedoms

## Article 15

All have the right to life and physical and moral integrity and in no case may they be subjected to torture or inhuman or degrading punishment or treatment. The death penalty is abolished except in those cases which may be established by military penal law in times of war.

#### Article 16

1. Freedom of ideology, religion and cult of individuals and communities is guaranteed without any other restriction in their demonstrations than that which is necessary for the maintenance of public order protected by law.
2. No one may be made to make a statement on his religion, beliefs or ideology.
3. No religion shall have a state character. The state powers shall take into account the religious beliefs of Spanish society and maintain the pertinent relations of cooperation with the Catholic Church and other denominations.

#### Article 17

1. Every person has the right to liberty and security. No one may be deprived of his freedom without observance of the provisions of this article and only in the cases and in the manner prescribed by law.
2. Preventive arrest cannot last more than the time strictly required for the investigations which tend to clarify events, and in every case, within a maximum period of 72 hours, the person arrested must be freed or placed at the disposal of legal authorities.
3. Every person arrested must be informed immediately, and in a way that is understandable to him, about his rights and the reasons for his arrest, and he may not be forced to make a statement. Availability of an attorney to the person arrested is guaranteed during the law enforcement or judicial proceedings under the terms established by law.
4. The law will regulate a process of "habeas corpus" so that any person who is arrested illegally may be immediately placed at the disposal of the law. The maximum period of provisional imprisonment shall also be determined by law.

#### Article 18

1. The right of honor, personal and family privacy and identity is guaranteed.
2. The home is inviolable. No entry or search may be made without legal authority except in the case of a flagrant crime or with the express consent of the owners.
3. Secrecy of communications, particularly postal, telegraphic and telephone communications, is guaranteed, except by judicial order.
4. The law shall restrict the use of information, to guaranteeing personal and family honor, the privacy of citizens and the full exercise of their rights.

## Article 19

Spaniards have the right to freely select their residence and to travel in national territory.

They also have the right to enter and leave Spain freely under the conditions established by law. That right cannot be restricted because of political or ideological reasons.

## Article 20

1. The following rights are recognized and protected:

a) To express and disseminate thoughts freely through words, writing or any other means of reproduction.

b) Literary, artistic and scientific production and creation.

c) Freedom of education.

d) To communicate or receive truthful information through any means of dissemination freely. The law shall regulate the right to the protection of the clause on conscience and professional secrecy in the exercise of these freedoms.

2. The exercise of these rights cannot be restricted through any type of prior censorship.

3. The law shall regulate the organization and legislative control of the means of social communication owned by the State or any public entity and shall guarantee access to those means by significant social and political groups, respecting the pluralism of society and the various languages of Spain.

4. These freedoms have their limits in the respect for the rights recognized in this Title, in the precepts of the laws which develop it and, particularly, in the right to honor, privacy, personal identity and protection of youth and children.

5. The seizure of publications, recordings or other means of information may only be determined by a legal resolution.

## Article 21

1. The right to peaceful, unarmed assembly is recognized. The exercise of this right does not require prior authorization.

2. In the cases of gatherings and demonstrations in places where there is public traffic, prior notification will be given to the authorities, which can only forbid them when there are reasons based on disturbances of public order with danger for persons or property.

## Article 22

1. The right to association is recognized.
2. Those associations which pursue purposes or use methods which are classified as crimes, are illegal.
3. Associations constituted under the provisions of this article must register only for purposes of public information.
4. Associations may only be dissolved or their activities suspended by a justified judicial order.
5. Secret or paramilitary associations are forbidden.

## Article 23

1. Citizens have the right to participate in public affairs, directly or through representatives freely elected in periodic elections through universal suffrage.
2. They also have the right to access, under conditions of equality, to public functions and positions, fulfilling the requirements established by law.

## Article 24

1. Every person has the right to the effective protection of the judges and courts in the exercise of his rights and legitimate interests, and in no case may there be a lack of defense.
2. Likewise, everyone has the right to the ordinary judge predetermined by law, to defense and counsel of an attorney, to be informed of the accusation made against him, to a public trial without delays and with all safeguards, to the right to use the means of proof pertinent to their defense, to refrain from self-incrimination, to refrain from pleading guilty and to the presumption of innocence.

The law shall regulate the cases in which for reasons of family relationship or professional secrecy he will not be forced to make statements on allegedly criminal actions.

## Article 25

1. No one may be sentenced or punished for actions or omissions which when committed were not a crime, misdeed or administrative violation as established by the legal ordinances existing at that time.
2. Prison sentences and security measures shall be oriented toward reeducation and social rehabilitation and may not consist of forced labor. The person sentenced to prison and who is serving his sentence shall enjoy

the fundamental rights contained in this chapter with the exception of those which are expressly restricted by the content of the prison sentence, the purpose of the punishment, and the penitentiary law. In any case, he shall have the right to remunerated work and the pertinent benefits of Social Security, as well as access to culture and the integral development of his personality.

3. The civil administration may not impose punishments which directly or indirectly imply deprivation of freedom.

#### Article 26

Courts of Honor within the framework of the civil administration or professional organizations are prohibited.

#### Article 27

1. Everyone has the right to an education. Freedom of education is recognized.

2. The objective of education will be the full development of the human person in the respect for the democratic principles of coexistence and the basic rights and freedoms.

3. State authorities will guarantee the rights of parents to have their children receive the religious and moral training which is in keeping with their own convictions.

4. Primary education is mandatory and free.

5. State authorities shall guarantee the right of all to education through a general programming of education, with the effective participation of all the sectors affected, and through the creation of educational centers.

6. The freedom of physical and juridical persons to create educational centers which abide by constitutional principles, is recognized.

7. Teachers, parents, and in their case, the students, shall participate in the control and management of all centers maintained by the administration with public funds, under the terms established by law.

8. State authorities will inspect and approve the educational system so as to guarantee compliance with laws.

9. State authorities will help the teaching centers which have the requirements established by law.

10. The autonomy of universities is recognized under the terms established by law.

## Article 28

1. Everyone has the right to unionize freely. The law may restrict or exclude the armed forces, institutions or the other bodies subject to military discipline from the exercise of this right and shall regulate the peculiarities of its exercise for political functionaries. Union freedom includes the right to found unions and to join the union of choice, as well as the right of the unions to form federations, to found international union organizations or to join them. No one may be forced to join a union.
2. The right of workers to strike in defense of their interests is recognized. The law which regulates the exercise of this right shall establish precise safeguards to insure the maintenance of essential community services.

## Article 29

1. All Spaniards shall have the right to personal and collective position or complaint in writing in the manner and for the purpose the law may determine.
2. Members of the armed forces or institutions, or the bodies subject to military discipline, may only exercise this right individually and in keeping with the provisions of their specific legislation.

## Section 2

### On the Rights and Duties of Citizens

## Article 30

1. Citizens have the right and duty to defend Spain.
2. The law shall establish the military obligations of Spaniards and shall regulate, with all due safeguards, the objections of conscience as well as other causes for exemption from compulsory military service and it may, if required, impose substitute social service.
3. A civilian service may be established for the fulfillment of objectives of general interest.
4. The duties of citizens in cases of serious danger, catastrophe or public disaster may be regulated by law.

## Article 31

1. All shall contribute to the payment of state expenses according to their economic capability through a fair tax system based on the principles of equality and progressiveness, which in no case shall be of a confiscatory scope.



2. Public spending will make an equitable allocation of public resources and its programing and execution shall be in keeping with criteria for efficiency and economy.

3. Personal or property loans of a state nature may only be made pursuant to law.

#### Article 32

1. Man and woman have the right to contract matrimony with full legal equality.

2. The law shall regulate the forms of matrimony, the age and capabilities for contracting it, the rights and duties of the couple, causes for separation and dissolution and their purposes.

#### Article 33

1. The right of private property and inheritance is recognized.

2. The social function of these rights shall prescribe the limits of their content pursuant to the law.

3. No one may be deprived of his property except for justified cause of public utility or social interest after proper indemnification pursuant to the provisions of law.

#### Article 34

1. The right to create foundations for purposes of general interests in keeping with the law is recognized.

2. The provisions of paragraphs 2 and 4 of Article 22 shall also be in effect for foundations.

#### Article 35

1. All Spaniards have the obligation to work and the right to work, to the free selection of a career or profession, to social advance through work and to a remuneration which is enough to satisfy his needs and those of his family. In no case can there be discrimination because of reasons of sex.

2. The law shall regulate a statute for workers.

#### Article 36

The law shall regulate the peculiarities of the legal system of the professional associations and the exercise of professions requiring academic degrees. The internal structure and operation of the associations must be democratic.

#### Article 37

1. The law shall guarantee the right to collective labor negotiations between the workers' representatives and those of management, as well as the binding force of agreements.
2. The right of the workers and management to adopt measures of collective conflict is recognized. The law which shall regulate the exercise of this right, without prejudice to the limitations it may establish, shall include precise safeguards to insure the operation of essential services for the community.

#### Article 38

Free enterprise within the framework of a market economy is recognized. State powers guarantee and protect its exercise and the defense of productivity in keeping with the exigencies of the general economy, and when required, in keeping with planning.

#### Chapter III

##### On the Guiding Principles of Economic and Social Policy

#### Article 39

1. Public authorities shall insure the economic, juridical and social protection of the family.
2. Public authorities shall insure the complete protection of children, they being equal before the law regardless of their parentage and regardless of the marital status of their mothers. The law shall make it possible to investigate paternity.
3. Parents must provide their children, born in or out of wedlock, with food, education, instruction and all care during the time they are minors and in other cases where it is legally proper.
4. Children shall enjoy a special protection of society and public authorities pursuant to the international regulations which safeguard their rights.

#### Article 40

1. Public authorities shall promote favorable conditions for social and economic progress and for a more equitable distribution of regional and personal income within the framework of a policy of economic stability. Emphasis will be placed on the accomplishment of a policy aimed at full employment.

2. State authorities shall also promote a policy which guarantees professional training and readaptation; insure work safety and hygiene, and guarantee necessary rest through limitations on the length of the work day, paid periodic vacations and the promotion of suitable centers.

#### Article 41

Public authorities shall maintain a public system of social security for all citizens which will guarantee social assistance and services which are sufficient in cases of need, particularly in cases of unemployment. Complementary assistance and services shall be free.

#### Article 42

The state shall particularly try to safeguard the economic and social rights of Spanish workers abroad and will orient its policy toward their return.

#### Article 43

1. The right to health protection is recognized.
2. It is the responsibility of public authorities to organize and watch over health and hygiene through preventive measures and through necessary care and services. The law shall establish the rights and duties of everyone in this respect.
3. Public authorities shall promote health education, physical education, sports, and in general, the proper utilization of leisure time.

#### Article 44

1. Public authorities shall promote and watch over access to culture, to which all have a right.
2. Public authorities shall promote science and scientific and technical research for the benefit of the general interest.

#### Article 45

1. Everyone has the right to enjoy an environment suitable for the development of the individual and the duty to preserve it.
2. Public authorities shall concern themselves with the rational use of all natural resources for the purpose of protecting and improving the quality of life and protecting and restoring the environment, supporting themselves on an indispensable collective solidarity.

3. Penal or administrative sanctions, as applicable, shall be established for those who violate the provisions of the foregoing paragraph, and they will be obliged to repair the damage caused.

#### Article 46

Public authorities shall guarantee the preservation, and promote the enrichment, of the historical, cultural and artistic legacy of the cities of Spain and the property that make them up, regardless of their juridical status and their ownership. Penal law shall punish any actions against this patrimony.

#### Article 47

All Spaniards have the right to enjoy decent and suitable housing. Public authorities shall promote the conditions necessary and establish the pertinent norms to make this right effective, regulating the use of land in keeping with the general interest to prevent speculation.

The community shall share in the profits generated by urban activities of state agencies.

#### Article 48

Public authorities shall promote the conditions for the free and effective participation by the young in political, social, economic and cultural development.

#### Article 49

Public authorities shall carry out a policy of prevention, treatment, rehabilitation and integration of those who are physically handicapped as well as those who have their senses impaired or who are psychically incapacitated. They will be given the specialized care they need according to their handicap, and the protection which the rights of this title grants to all citizens shall be strengthened.

#### Article 50

Public authorities shall guarantee economic sufficiency to the citizens who reach old age through adequate pensions which are periodically updated. Likewise, and regardless of family obligations, they will promote their welfare through a system of social services which shall take care of their specific problems of health, housing, culture and leisure time.

#### Article 51

1. Public authorities shall guarantee consumer and user defense, protecting their safety, health and legitimate economic interests through effective procedures.

2. Public authorities shall promote the information and education of consumers and users, promote their organizations and hear them in those questions which could affect them under the terms which the law may establish.

3. Within the framework of the provisions of the foregoing paragraphs, the law shall regulate domestic commerce and the system of licensing commercial products.

#### Article 52

The law shall regulate the professional organizations which contribute to the defense of their own economic interests. Their internal structure and operation must be democratic.

#### Chapter IV

##### On Guarantees of Fundamental Freedoms and Rights

#### Article 53

1. The rights and freedoms recognized in the second chapter of the present title apply to all public authorities. Only by law, which in every case must respect their essential content, could the exercise of such rights and freedoms be regulated, rights which shall be guarded pursuant to the provisions of Article 161, 1 b).

2. Any citizen may request a watch over the freedoms and rights recognized in Article 13 and the first section of the second chapter from the regular courts through a process based on the principles of preference and speed and through the recourse of protection before the Constitutional Court. This last recourse shall be applicable to conscientious objections recognized in Article 30.

3. Recognition, respect and protection of the principles recognized in the third chapter shall guide positive legislation, judicial practice and actions by public authorities. They may also be argued before ordinary jurisdiction through procedures established in the laws affecting them.

#### Article 54

An organic law shall regulate the institution of the Public Defender as the High Commissioner of the General Cortes, appointed by them for the protection of the rights contained in this title, for which purpose he may supervise the activity of the administration, informing the General Cortes of it.

## Chapter V

### On the Suspension of Rights and Freedoms

#### Article 55

1. The rights recognized in Articles 17 and 18, paragraphs 2 and 3; Articles 19 and 20, paragraph 1, and subparagraphs a) and d) and paragraph 5; Articles 21 and 28, paragraph 2, and Article 37, paragraph 2, may be suspended when a state of emergency or seige is declared under the terms contained in the Constitution. Paragraph 3 of Article 17 is exempted from that which was established previously in the event of the declaration of a state of emergency.

2. An organic law may determine the manner and the cases, which in an individual manner and with the necessary judicial intervention and proper legislative controls, can lead to the suspension of the rights recognized in Article 17, paragraph 2 and Article 18, paragraphs 2 and 3 for certain persons with respect to investigations having to do with the activities of armed bands or terrorist elements.

The unjustified or abusive use of the powers recognized in that organic law will result in criminal responsibility as a violation of the rights and freedoms recognized by law.

#### Title II

### On the Crown

#### Article 56

1. The King is the chief of state, the symbol of its unity and permanence. He arbitrates and moderates the regular functions of the institutions, assumes the high representation of the Spanish State in international relations, particularly with the nations of its historical community, and he exercises the functions expressly attributed to him by the Constitution and the laws.

2. His title is that of "The King of Spain," and he may use the others which pertain to the crown.

3. The person of the King is inviolable and is not subject to responsibility. His actions shall always be approved in the manner established in Article 64 and shall lack validity without that approval except as provided for by Article 65, paragraph 2.



#### Article 57

1. The crown of Spain is hereditary for the successors of His Majesty don Juan Carlos I of Bourbon. Succession to the throne will follow the regular order of the first-born and right of succession, the first line always having preference over subsequent lines; in the same line, the closest line is preferable over the most remote; in the same rank, the male is preferred over the female; and in the same sex, the elder is preferred over the younger.
2. The heir apparent, from his birth or from the time he acquires the title, will have the title of Prince of Asturias and the other titles traditionally linked to the successor to the Crown of Spain.
3. If all the lines legally entitled to the throne have disappeared, the General Cortes shall provide a successor to the crown in the manner which is best for the interests of Spain.
4. Those persons, who having the right to succession to the throne, contract matrimony against the express prohibition by the King and the General Cortes, shall be excluded, as well as their descendents, from succession to the crown.
5. Abdications, resignations and any doubt in fact or in law which occur in the order of succession to the crown, shall be resolved by an organic law.

#### Article 58

The Queen consort or the consort of the Queen may not assume constitutional functions except those authorized for the regency.

#### Article 59

1. When the King is a minor, the King's father or mother--in their absence the oldest relative closest to succession to the crown pursuant to the order established by the Constitution--shall immediately undertake to exercise the regency during the time the King remains a minor.
2. If the King becomes incapable of exercising his authority and this incapacity is recognized by the General Cortes, the prince heir to the crown shall immediately begin to exercise the regency if he is an adult. If he is not, the procedure outlined in the previous paragraph will be adhered to until the prince heir apparent reaches adulthood.
3. If there is no person who can exercise the regency, it shall be appointed by the Cortes and shall consist of one, three or five persons.
4. In order to exercise the regency, it is necessary to be a Spanish adult.

5. The regency shall be exercised through constitutional mandate and always in the name of the King.

#### Article 60

1. The guardian of the King who is a minor shall be the person named in his will by the deceased King provided he is an adult and a Spaniard by birth. If such a person is not named, the father or the mother shall be the guardian as long as they remain unmarried. In their absence, the Cortes shall appoint one but the positions of regent and guardian may not be held by the same person except in the case of the father, mother or direct ancestors of the King.

2. The exercise of guardianship is also incompatible with the exercise of any position or political representation.

#### Article 61

1. On being proclaimed before the General Cortes, the King will swear to faithfully carry out his functions, obey the Constitution and the laws and cause them to be obeyed, and to respect the rights of citizens and the autonomous communities.

2. The prince heir apparent, when he is an adult, and the regent or regents when they assume their functions, will swear the same oath as well as that of loyalty to the King.

#### Article 62

The King shall:

- a) Approve and promulgate laws.
- b) Convoke and dissolve the General Cortes and convoke elections under the terms of the Constitution.
- c) Convoke a referendum in the cases foreseen by the Constitution.
- d) Propose the candidate for prime minister of the government and name him when required, as well as terminating his functions under the terms contained in the Constitution.
- e) Appoint and separate the members of the government at the proposal of its prime minister.
- f) Issue the decrees approved in the Council of Ministers, confer civilian and military positions and award honors and decorations pursuant to the laws.

- g) Be informed of the affairs of state and for this purpose, preside over the sessions of the Council of Ministers when he believes it necessary at the request of the prime minister of the government.
- h) Exercise supreme command of the armed forces.
- i) Exercise the right of clemency pursuant to law, which cannot authorize general pardons.
- j) Be the High Patron of the Royal Academies.

#### Article 63

- 1. The King accredits ambassadors and other diplomatic representatives. Foreign representatives in Spain are accredited before him.
- 2. It is up to the King to express the consent of the State to obligate itself internationally through treaties pursuant to the Constitution and the laws.
- 3. The King will, after authorization by the General Cortes, declare war and make peace.

#### Article 64

- 1. The actions of the King shall be approved by the prime minister of the government and if the case requires by the pertinent ministers. The nomination and appointment of the chief of the government and the dissolution foreseen in Article 93 shall be approved by the president of the the Congress.
- 2. The persons who approve the actions of the King shall be responsible for them.

#### Article 65

- 1. The King receives an overall amount from the State budget for the maintenance of his family and household and distributes it unrestrictedly.
- 2. The King unrestrictedly appoints and relieves the civilian and military members of his household.

#### Title III

##### On the General Cortes

##### Chapter I

##### On the Chambers

#### Article 66

1. The General Cortes represent the Spanish people and are formed by the Congress of Deputies and the Senate.
2. The General Cortes exercise the legislative power of the state, approve its budgets, control the action of the government and have the other attributes granted them by the Constitution.
3. The General Cortes are inviolable.

#### Article 67

1. No one may be a member of the two chambers simultaneously nor be a member of an autonomous community assembly and a deputy to Congress at the same time.
2. The members of the General Cortes are not bound by an imperative mandate.
3. Meetings of legislators, which are held without the regulatory convocation, will not be binding on the chambers and may not exercise their functions nor exercise their privileges.

#### Article 68

1. The Congress consists of a minimum of 300 and a maximum of 400 deputies elected by universal, free, equal, direct and secret balloting under the provisions established by law.
2. The voting district is the province. The cities of Ceuta and Melilla will be represented by one deputy each. The law will distribute the total number of deputies, assigning a minimum initial representation to each district and distributing the remainder in proportion to the population.
3. Elections will be held in each district in keeping with criteria on proportional representation.
4. The Congress is elected for 4 years. The term of deputies ends 4 years after their election or on the day of the dissolution of the Chamber.
5. All Spaniards who have full use of their political rights are voters and eligible for office.

The law recognizes, and the State will facilitate, the exercise of the right to vote to Spaniards who are outside the territory of Spain.

6. Elections will take place between 30 and 60 days after the term of office of Congress. The elected Congress must be convoked within 25 days after the holding of elections.

## Article 69

1. The Senate is the chamber of territorial representation.
2. Four senators will be elected in each province by universal, free, equal, direct and secret suffrage by the voters of each one of them under the terms established by an organic law.
3. In the island provinces, each island or grouping of them with a town council or insular council shall be a voting district for the purposes of the election of senators, three of them going to each of the major islands--Grand Canary, Mallorca and Tenerife--and one each to the following islands or groups: Ibiza-Formentera, Menorca, Fuerteventura, Gomera, Hierro, Lanzarote and La Palma.
4. The cities of Ceuta and Melilla will elect two senators each.
5. The autonomous communities will also appoint one senator and one additional senator for each million inhabitants in their respective territories. The appointment shall be made by the legislative assembly, or in its absence, by the higher collective body of the autonomous community pursuant to the provisions of the statutes, which in any case will insure proper proportional representation.
6. The Senate is elected for 4 years. The term of the senators ends 4 years after their election or on the day of the dissolution of the Chamber.

## Article 70

1. The electoral law shall determine the reasons for ineligibility and incompatibility of deputies and senators, and will in any case cover:
  - a) The members of the Constitutional Court.
  - b) The high positions of the state administration as determined by law with the exception of the members of the government.
  - c) The public defender.
  - d) Magistrates, judges and prosecutors on active duty.
  - e) Professional military men and members of the armed forces, security agencies and government police on active duty.
  - f) The members of the electoral boards.
2. The validity of the records and credentials of the members of both chambers will be subjected to judicial examination under the terms to be established by the electoral law.

#### Article 71

1. Deputies and senators enjoy immunity for the opinions expressed during the exercise of their functions. They also enjoy immunity for the actions carried out in the exercise of their functions in keeping to the provisions of the organic law.
2. During their term, deputies and senators enjoy immunity and may only be arrested in case of flagrante delicto. They may not be charged or tried without prior authorization of the pertinent chamber.
3. In the cases against deputies or senators, the criminal section of the Supreme Court will have jurisdiction.
4. Deputies and senators shall receive a remuneration which shall be established by the respective chambers.

#### Article 72

1. The chambers establish their own regulations, independently approve their own budgets, and by common accord regulate the General Cortes Personnel Statute. The regulations and their reform shall be submitted to a final voting in their entirety which will require an absolute majority.
2. The chambers elect their respective presidents and the other members of their boards. Joint sessions shall be presided over by the president of the Congress and shall be governed by the General Cortes regulations approved by an absolute majority of each chamber.
3. The presidents of the chambers will exercise all administrative powers and police authority in the interior of their respective buildings in the name of the chambers.

#### Article 73

1. The General Cortes will meet annually in two regular periods of sessions, the first from September to December, and the second, from February to June.
2. The General Cortes may meet in extraordinary periods of sessions at the request of the government, the Permanent Deputation or by the absolute majority of either of the two chambers. The extraordinary periods of sessions should be convoked by the respective presidents for dealing with a certain matter and shall be closed once it has been dealt with.

#### Article 74

1. The chambers will meet in joint sessions to exercise the nonlegislative attributes which Title II expressly authorizes for the General Cortes.



2. The decisions of the General Cortes specified in Article 94, paragraph 1; Article 145, paragraph 2, and Article 158, paragraph 2, shall be adopted by the majority of each of the chambers. In the first case, the process shall be initiated by the Congress and in the other two, by the Senate. In both cases, if there is no agreement between the Senate and the Congress, an attempt will be made to obtain it by a Joint Committee consisting of an equal number of deputies and senators. The committee will present a text which will be voted upon by both chambers. If it is not approved in the established manner, the Congress will decide by an absolute majority.

#### Article 75

1. The chambers shall function as a whole and by committees.
2. The chambers may delegate to permanent legislative committees the approval of law bills or proposals. The plenary session, however, may at any time require discussion and voting on any law bill or proposal which has been the object of such delegation.
3. Excepted from the provisions of the foregoing paragraph is constitutional reform, international matters, organic and basic laws and the State General Budget.

#### Article 76

1. The Congress and the Senate, and if necessary both houses together, may appoint investigating committees on any subject of interest to the public. Their conclusions shall not be binding on the courts nor will they affect judicial findings, but they may be forwarded to the attorney general for the exercise of the necessary actions when required.
2. Appearance before the chambers when requested is mandatory. The law shall establish punishment which may be imposed for noncompliance with this obligation.

#### Article 77

1. The Chambers may receive individual and collective petitions, always in writing, the direct presentation by citizen demonstrations being forbidden.
2. The Chambers can forward to the government the petitions they receive. The government is obliged to explain itself on the contents provided that the Chambers request it.

#### Article 78

1. There will be a Permanent Deputation in each Chamber made up of a minimum of 21 members who will represent the legislative groups in the proportion of their numerical importance.

2. The Permanent Deputations shall be headed by the president of the respective Chamber and shall have those functions listed in Article 73 and that of assuming the authority pertaining to the Chambers pursuant to Articles 86 and 116 in the case that the Cortes have been dissolved or their term has expired. In addition they must maintain a watch over the powers of the Chambers when they are not in session.

3. When the term expires or a case of dissolution, the Permanent Deputation will continue to exercise its functions until the creation of new Cortes.

4. When the pertinent Chamber meets, the Permanent Deputation shall give an account of the subjects dealt with and of its decisions.

#### Article 79

1. In order to adopt agreements, the Chambers must be in a regular session and with the attendance of the majority of their members.

2. In order to be valid, such agreements must be approved by the majority of the members present, without prejudice to the special majorities which may be established by the Constitution or the organic laws or those established by the Chambers for the election of persons.

3. The vote of the senators and deputies is personal and may not be delegated.

#### Article 80

The plenary sessions of the Chambers shall be public except when there is an agreement against it in each Chamber, an agreement which must be arrived at by an absolute majority or by a change in the regulations.

#### Chapter II

##### On the Preparation of Laws

#### Article 81

1. Organic laws are those relative to the exercise of fundamental rights and public freedoms, those approved by the Statutes of Autonomy and the general electoral system and the others foreseen by the Constitution.

2. The approval, modification or abolishment of organic laws shall require the absolute majority of the Congress in a final vote on the entire bill.

#### Article 82

1. The General Cortes may delegate to the government the power to dictate standards with the standing of laws on certain matters not included in the previous article.

2. Legislative delegation must be granted through a basic law when its objective is the formation of articulated texts, or by an ordinary law when it is a matter of rearranging several legal texts into a single one.

3. Legislative delegation must be granted to the government in an express manner for each specific case and with the establishment of a period for its exercise. That delegation becomes void because the government has made use of it after the publication of the corresponding law. Such delegation cannot be understood to be granted implicitly or for an indefinite period. The subdelegation to different authorities even within the government itself is not permitted.

4. The basic laws shall precisely delimit the object and scope of legislative delegation and the principles and criteria which must be followed in its exercise.

5. Authorization for the consolidation of legal texts shall define the normative scope to which the content of the delegation made refers, specifying whether it shall be limited to the mere reformulation into a new text or whether it includes regulating, clarifying and harmonizing the legal texts which are to be consolidated.

6. Without prejudice to the authority of the courts themselves, the laws on delegation may establish addition formulas for control in each case.

#### Article 83

In no case may basic laws do the following:

- a) Authorize the modification of the basic laws.
- b) Authorize the passage of laws of a retroactive nature.

#### Article 84

When a proposed law or an amendment is contrary to an existing legislative delegation, the government may oppose its processing. In such a case a law proposal may be presented for the total or partial abolishment of the law on delegation.

#### Article 85

The decisions of the government containing delegated legislation shall receive the title of Legislative Decrees.

#### Article 86

1. In the case of extraordinary and urgent need, the government may issue provisional legislative decisions which shall take the form of decree-laws and which may not affect the regulations of the central institutions of

the state, the rights, duties and freedoms of citizens which are regulated by Title I, nor the systems of autonomous communities or the general electoral right.

2. The decree-laws must be immediately submitted for debate and voting by the entire Congress of Deputies convoked for that purpose, if it is not already in session, within a period of 30 days after their passage. The Congress must state within that period whether they should be approved or abolished, for which purpose the rules shall establish a special and summary procedure.

3. During the period established in the foregoing paragraph, the Cortes may handle them as draft laws under emergency procedures.

#### Article 87

1. Legislative initiative belongs to the government, the Congress and the Senate, according to the Constitution and the rules of the Chambers.

2. The assemblies of the autonomous communities may request the government to adopt a law bill or send to the congressional board a law proposal, delegating three members of their assembly to that Chamber to defend it.

3. An organic law shall regulate the ways, and state the requirements, for the exercise of the popular initiative for the presentation of law proposals. In every case no fewer than 500,000 valid signatures will be required. This initiative is not applicable in matters having to do with organic, tax or international laws, nor with respect to the prerogative of pardons.

#### Article 88

Law bills shall be approved in the Council of Ministers, which will submit them to the Congress accompanied by a justification and the background required for forming an opinion on them.

#### Article 89

1. The processing of law proposals shall be regulated by the rules of the Chambers without the priority due to law bills preventing the exercise of legislative initiative under the terms regulated by Article 87.

2. Law proposals, which in accordance with Article 87 are taken under consideration by the Senate, shall be sent to the Congress for processing by it as a law proposal.

## Article 90

1. Once an ordinary or organic law bill is approved by the Congress of Deputies, its president shall immediately notify the president of the Senate, who will submit it for the consideration of the Senate.
2. The Senate, within a period of 2 months after the day it received the text, may, through a message explaining the reasons, veto it or introduce amendments to it. The veto must be approved by an absolute majority. The law bill cannot be submitted to the King for approval unless the Congress ratifies the initial text, in the case of a veto by an absolute majority, or by a simple majority once 2 month have passed since the presentation of the text, or it issues a statement on the amendments stating whether or not it accepts them by a simple majority.
3. The period of 2 months which the Senate has to veto or amend the bill shall be reduced to 20 calendar days for those bills declared urgent by the government or the Congress of Deputies.

## Article 91

The laws approved by the General Cortes shall be approved within the period of 15 days by the King, who will promulgate them and order their immediate publication.

## Article 92

1. Political decisions of special importance may be submitted for a consultative referendum of all the citizens.
2. The referendum shall be convoked by the King at the proposal of the prime minister, previously authorized by the Congress of Deputies.
3. An organic law shall regulate the conditions and procedures of the various types of referendums contained in this Constitution.

## Chapter III

### On International Treaties

## Article 93

By means of an organic law, authorization may be granted for entering into treaties which attribute to an international organization or institution the exercise of attributes derived from the Constitution. It is the responsibility of the General Cortes or the government, depending on the cases, to guarantee compliance with these treaties and the resolutions emanating from the international or supranational agencies granted that authority.

#### Article 94

1. Giving the consent of the state to commit itself to something through a treaty or agreement shall require prior authorization of the General Cortes in the following cases:

- a) Treaties of a political nature.
- b) Treaties or agreements of a military nature.
- c) Treaties or agreements which affect the territorial integrity of the state or the fundamental rights and duties established in Title I.
- d) Treaties or agreements which imply important obligations for the public treasury, or suppose changes or abolishment of some law or which require legislative measures for their execution.
- e) Treaties or agreements which mean modification or abolishment of some law or require legislative measures for their execution.

2. The General Cortes shall be notified immediately of the treaties or agreements which have been entered into.

#### Article 95

- 1. The entry into an international treaty which contains stipulations contrary to the Constitution shall require a prior constitutional revision.
- 2. The government or either of the chambers may request the Constitutional Court to declare whether or not such a contradiction exists.

#### Article 96

- 1. Once valid international treaties are officially published in Spain, they will become part of the domestic regulations. Their provisions may only be abolished, modified or suspended in the manner provided for in the treaties themselves on pursuant to the general guidelines of international law.
- 2. To denounce international treaties and agreements, the same procedure established for their approval in Article 94 will be used.

#### Title IV

##### On the Government and the Administration

#### Article 97

The government directs domestic and foreign policy, civil and military administration and the defense of the State. It exercises the executive function and regulatory power in keeping with the Constitution and the laws.



#### Article 98

1. The government consists of the prime minister, deputy prime ministers as required, and the ministers and other members the law may establish.
2. The prime minister directs the actions of the government and coordinates the functions of the other members of it without prejudice to their authority and direct responsibility in their work.
3. The members of the government may not exercise representative functions other than those of the legislative mandate itself, nor any other public function which does not derive from their position, nor any professional or mercantile activity whatsoever.
4. The law shall regulate the statutes and restrictions for the members of the government.

#### Article 99

1. After each renewal of the Congress of Deputies and in the other cases covered by the Constitution, the King shall, after consultation with the representatives appointed by the political groups represented in parliament, and through the president of the congress, propose a candidate to be prime minister of the government.
2. The proposed candidate, pursuant to the provisions of the foregoing paragraph, will explain to the Congress of Deputies the political program of the government he intends to form and will ask for the confidence of the Chamber.
3. If the Congress of Deputies, by an absolute majority of its members, grants its confidence to that candidate, the King will appoint him prime minister. If that majority is not obtained, the same proposal will be submitted to a new vote 48 hours after the former, and confidence shall be understood to have been granted if a simple majority is obtained.
4. If after the aforementioned votes are cast, confidence is not granted for investiture, successive proposals will be processed in the manner foreseen in the foregoing paragraphs.
5. If 2 months have passed since the first voting for investiture and no candidate has obtained the confidence of the Congress, the King shall dissolve both chambers and call for new elections with the approval of the president of the Congress.

#### Article 100

The other members of the government shall be appointed and dismissed by the King at the proposal of his prime minister.

#### Article 101

1. The government comes to an end after the holding of general elections in the case of the loss of confidence by parliament or because of the resignation or death of its prime minister.
2. The outgoing government shall continue in its functions until the new government is sworn in.

#### Article 102

1. The Penal Section of the Supreme Court shall have jurisdiction in the cases of criminal responsibility of the prime minister and other members of the government.
2. If the charges are those of treason or for any crime against the security of the state in the exercise of their functions, the charges may only be brought against them through the initiative of one-fourth of the members of Congress and with the approval of the absolute majority of it.
3. The royal prerogative of pardon shall not be applicable to any of the provisions of the present article.

#### Article 103

1. Public administration serves the general interest with objectivity and it acts pursuant to the principles of effectiveness, degree, decentralization, deconcentration and coordination with full compliance with the law and rights.
2. The agencies of the administration of the state are created, ruled and coordinated according to the law.
3. The law shall regulate the statute of the public officials, access to public office pursuant to the principles of merit and ability, the conditions under which they exercise their right to form unions, the system of restrictions on their activities and safeguards for political impartiality in the exercise of their office.

#### Article 104

1. Security forces and bodies which are departments of the government shall have as a mission the protection of the free exercise of rights and freedoms and that of guaranteeing the security of the citizens.
2. An organic law shall determine the functions, basic principles for action and the statutes of the security forces and bodies.

## Article 105

The law shall regulate the following:

- a) The hearing of citizens, directly or through the organizations and associations recognized by the law, in the process of preparing the administrative decisions which affect them.
- b) Access by citizens to administrative archives and registers except where it affects the security and defense of the state, the investigation of crimes and the privacy of persons.
- c) Procedures whereby administrative actions must take place, without in any way omitting the process of hearing interested persons.

## Article 106

1. The courts supervise the regulatory power and legality of administrative action as well as its compliance with the objectives which justify it.
2. Private individuals, under the terms established by the law, shall have the right to be indemnified for any harm they suffer in any of their property and rights, except in the case of an act of God, providing that such harm is the result of the operation of public services.

## Article 107

The Council of State is the highest consultative body of the government. An organic law shall regulate its composition and jurisdiction.

## Title V

On Relations Between the Government and the General Cortes

## Article 108

The government in its political work, answers completely before the Congress of Deputies.

## Article 109

The Chambers and their commission may request, through their presidents, the information and help they need from the government and its departments and from any authority of the state and the autonomous communities.

## Article 110

1. The Chambers and their commissions can require the presence of the members of the government.

2. The members of the government have access to the sessions of the Chambers and to their commissions and the authority to be heard in them, and they may request that officials of their departments report to the commission.

#### Article 111

1. The government and each of its members are subject to interpellation or questions made to them in the Chambers. The rules shall establish a weekly minimum time for this type of discussion.

2. Any interpellation can lead to a motion in which the Chamber can express its position.

#### Article 112

The prime minister of the government, after deliberation by the Council of Ministers, can pose before the Congress of Deputies the question of confidence on his program and on a statement of general policy. Confidence shall be taken as being granted when a simple majority of the deputies votes for it.

#### Article 113

1. The Congress of Deputies can require political responsibility from the government through the adoption by an absolute majority of a censure vote.

2. The motion of censure must be proposed by at least one-tenth of the deputies and must include a candidate to the office of prime minister of the government.

3. The motion of censure cannot be voted on until 5 days after its presentation. Alternative motions may be presented during the first 2 days of that period.

4. If the motion of censure is not approved by the Congress, its signers cannot present another during the same period of sessions.

#### Article 114

1. If the Congress refuses to express its confidence to the government, it must present its resignation to the King, the prime minister of the government then being appointed pursuant to the provisions of Article 99.

2. If the Congress adopts a motion of censure, the government will present its resignation to the King and the candidate included in it will be understood to have the confidence of the Chamber for the purposes contained in Article 92. The King shall appoint him prime minister of the government.

## Article 115

1. The prime minister of the government, after deliberation of the Council of Ministers, and on his exclusive responsibility, may propose the dissolution of the Congress, the Senate and the General Cortes, which shall be decreed by the King. The dissolution decree establishes the date for elections.
2. The proposal for dissolution may not be presented when a motion of censure is being processed.
3. No new dissolution may take place before a year has passed since the last one, except in the cases contained in Article 99, paragraph 5.

## Article 116

1. An organic law shall regulate the states of alarm, emergency and siege and the corresponding areas of responsibility and limitation.
2. The state of alarm shall be declared by the government, through a decree agreed upon by the Council of Ministers, for a maximum period of 15 days, informing the Congress of Deputies, which has met for that purpose and without whose authorization the period cannot be extended. The decree shall determine the territorial area which the measure will affect.
3. The state of emergency shall be declared by the government through a decree agreed upon in the Council of Ministers after authorization by the Congress of Deputies, and if it is not in session, by its Permanent Deputation. The authorization and proclamation of a state of emergency precisely establishes its purposes, the territorial area covered by it and its duration, which cannot exceed 30 days but which may be extended for a like period with the same requirements.
4. The state of siege shall be declared by the absolute majority of the Congress of Deputies at the exclusive proposal by the government. The Congress shall determine its territorial coverage, duration and conditions.
5. Congress may not be dissolved while some of the states contained in the present article are in effect, the Chambers being automatically convoked if they are not having a period of sessions. Their functioning, like that of the other constitutional branches of the state, may not be interrupted during the times these states are in effect.

If the Congress has been dissolved or its term has expired and one of the situations exists which leads to one of the aforementioned states, the authority of the Congress shall be assumed by its Permanent Deputation.

6. The declaration of the states of alarm, emergency and siege shall not change the principle of the responsibilities of the government or its agents as recognized in the Constitution and the laws.

## Title VI

### On Judicial Power

#### Article 117

1. Justice emanates from the people and is administered in the name of the King by judges and magistrates who are members of the judicial branch and are independent, unremovable, responsible and subject only to the rule of the law.
2. The judges and magistrates cannot be separated, suspended, transferred, or retired except for causes, and with the safeguards, contained in the law.
3. The exercise of jurisdictional power in every type of trial, making judgments and causing the execution of judgments, pertains exclusively to the courts and tribunals determined by the laws according to the norms on jurisdiction and procedure which they establish.
4. The courts and tribunals shall not exercise any functions other than those set forth in the previous paragraph and those expressly attributed to them by law to safeguard any right.
5. The principle of jurisdictional unity is the basis of the organization and functioning of the courts. The law shall regulate the exercise of military jurisdiction within a strictly military framework and in the event of a state of siege, according to the principles of the Constitution.
6. Summary courts are prohibited.

#### Article 118

It is mandatory to comply with the firm sentences and other resolutions of the judges and the courts, as well as to give the collaboration required by them during the course of the trial and in the execution of the resolutions.

#### Article 119

Justice will be gratuitous when the law so disposes and in every case for those who do not have the resources to engage in litigation.

#### Article 20

1. Judicial proceedings shall be public with the exceptions foreseen by the laws on procedure.
2. The proceedings shall be predominantly oral, particularly in criminal matters.
3. The sentences shall always be justified and shall be pronounced in public audience.



#### Article 121

Judicial errors and the damages which may result from the abnormal operation of the administration of justice shall provide the right to an indemnification, which is accordance to the law, and paid by the state.

#### Article 122

1. The organic law of the judicial branch shall determine the makeup, operation and regulation of the courts and tribunals, as well as the juridical statute of career judges and magistrates, who will form a single body, and the statute of the personnel at the service of the administration of justice.
2. The General Council of the Judicial Branch is its governing agency. The organic law shall establish its statute and the system of restrictions for its members and their functions, particularly in matters of appointments, promotions, inspection and disciplinary system.
3. The General Council of the Judicial Branch shall consist of the president of the Supreme Court, who will head it, and 20 members appointed by the King for a period of 5 years. Of these, 12 of them will be judges and magistrates of all the legal categories under the terms which the organic law may establish; 4 will be proposed by the Congress of Deputies, and 4 by the Senate, elected in both cases by a three-fifths majority of their members, and they will be lawyers and jurists of recognized competence with more than 15 years in the exercise of their profession.

#### Article 123

1. The Supreme Court, with jurisdiction throughout all of Spain, is the highest legal organ in all orders, except in those matters having to do with constitutional guarantees.
2. The president of the Supreme Court shall be named by the King at the proposal of the General Council of the judicial branch in the manner determined by law.

#### Article 124

1. The attorney general's office, without prejudice to the functions entrusted to other organs, has the mission of promoting the action of justice in defense of legality, the rights of citizens and the public interest guarded by the law, normally or at the request of those affected, and to watch over the independence of the courts and to seek before them the satisfaction of social interests.
2. The attorney general's office exercises its functions through its own agencies pursuant to the principles of unity of action and the independence accruing to the rank of its office and always subject to the principles of legality and impartiality.

3. The law shall regulate the organic statute of the attorney general's office.

4. The attorney general of the State shall be appointed by the King at the proposal of the government after the General Council of the Judicial Branch is heard.

#### Article 125

Citizens may exercise popular action and participate in the administration of justice through the institution of the jury in the manner that the law may determine for certain criminal trials, and in the usual and traditional courts.

#### Article 126

The judicial police come under the judges, the courts and the justice ministry in their functions of investigating crimes and finding and seizing the criminal under the terms the law may establish.

#### Article 127

1. The judges and magistrates, as well as the prosecuting attorneys, may not hold public positions or belong to political parties or unions as long as they are on active duty.

The law shall establish the system and methods of professional association of judges, magistrates and prosecutors.

2. The law shall establish the system of restrictions on the members of the judicial branch, which must insure their total independence.

#### Title VII

##### Economy and Finance

#### Article 128

1. All the wealth of the country in its various forms regardless of its ownership is subordinated to the general interest.

2. State initiative in economic activity is recognized. Essential resources or services, particularly in the case of monopoly, can be reserved for the state sector and it may also declare the intervention of companies when the general interest so requires.

#### Article 129

1. The law shall establish the forms of participation of those interested in Social Security and in the activity of the public agencies whose operation directly affects the quality of life or general welfare.
2. State authorities shall effectively promote the various forms of participation in enterprise and will facilitate a suitable legislative framework for cooperative enterprises. They shall also establish the means that will facilitate access by the workers to ownership of the means of production.

#### Article 130

State authorities shall attend to the modernization and development of all economic sectors, particularly agriculture, livestock raising, fishing and handicrafts, and to the rational exploitation of natural resources in order to equalize the standard of living of all Spaniards.

#### Article 131

The state, by law, may plan the general economic activity to attend to collective needs, balance and harmonize regional and sectoral development, and encourage the growth of revenues and wealth and their more just distribution.

2. The government shall prepare planning projects in keeping with the forecasts provided to it by the autonomous communities and by the advice and collaboration afforded it by the unions and other professional, business and economic organizations. A Council shall be created for this purpose and its makeup and functions shall be developed by law.

#### Article 132

1. The law shall regulate the legal system of the property in the public domain and community property, with basis on the principle of inalienability, imprescriptibility, nonseizure and unencumbrance.
2. In every case the offshore zone, the beaches, the territorial sea, the economic zone, the continental shelf and its geological resources are all state property of public domain.
3. State Patrimony and National Patrimony, their administration, protection and preservation shall be regulated by law.

#### Article 133

1. The power to originate taxes belongs exclusively to the state by law.
2. The autonomous communities and the local bodies may establish and require taxes pursuant to the Constitution and the laws.

3. All fiscal profits which affect taxes to the state must be established by law.

4. The state authorities may only contract financial obligations and make expenditures pursuant to the law.

#### Article 134

1. It is the responsibility of the government to prepare the State General Budgets and it is the responsibility of the General Cortes to examine, amend and approve them.

2. The State General Budget shall be of an annual nature and shall include all expenditures and revenues of the state public sector and in them must be contained the amount of the fiscal benefits which affect the taxes of the state.

3. The government must present the State General Budgets to the Congress of Deputies at least 3 months before the expiration of the previous year's budgets.

4. If the budget law is not approved before the first day of the pertinent fiscal year, the budget of the previous fiscal year will automatically be considered extended until the approval of the new one.

5. Once the State General Budgets are approved, the government may present draft law bills which imply increases in public expenditures or a decrease in revenues during the same budget year.

6. Every proposition or amendment which means an increase in credits or a decrease in budget revenues shall require the agreement of the government before being processed.

7. The law on budgets cannot create taxes. It can modify them when a substantive tax law so decides.

#### Article 135

1. The government shall be authorized by law to contract a public debt or obtain loans.

2. Loans for satisfying the payment of interest and principal of the public debt of the state shall always be understood to be included in the state of expenditures of the budgets and may not be the object of amendment or modification as long as they are in keeping with the law on the issue of public bonds.

## Article 136

1. The exchequer is the highest body for checking the accounts and economic operations of the state and the public sector.

It shall be a direct dependency of the General Cortes and shall exercise its functions through delegation of them in the examination and checking of the State General Account.

2. The accounts of the state and the state public sector shall be rendered to the exchequer and shall be examined by it.

The exchequer, without prejudice to its own jurisdiction, shall send an annual report to the General Cortes which, when applicable, relates the violations or responsibilities, which in its opinion, have occurred.

3. The members of the exchequer shall enjoy the same independence and stability and shall be subject to the same restrictions as the judges.

4. An organic law shall regulate the makeup, organization and operations of the exchequer.

## Title VIII

### On the Territorial Organization of the State

#### Chapter I

#### General Principles

## Article 137

The state is territorially organized into municipalities, provinces and the autonomous communities which may be created. All these entities enjoy autonomy for administering to their own interests.

## Article 138

1. The state guarantees the effective realization of the principle of solidarity consecrated in Article 2 of the Constitution, insuring a proper and just economic balance among the various parts of Spanish territory, with particular attention to the status of the island possessions.

2. Differences in the statutes of the various autonomous communities may in no way imply economic or social privileges.

## Article 139

1. All Spaniards have the same rights and obligations in any part of the state.

2. No authority may adopt measures which directly or indirectly hinder freedom of movement, establishment of persons and the free movement of goods throughout Spanish territory.

## Chapter II

### On Local Administration

#### Article 140

The Constitution guarantees the autonomy of the municipalities. These enjoy full juridical personality. Their government and administration is the responsibility of their own city governments which are made up of the mayors and councilmen. The councilmen shall be elected by the residents of the municipality via universal, equal, free, direct and secret ballot in the manner established by law. The mayors shall be elected by the councilmen or by the residents. The law shall regulate the conditions under which the system of an open council may proceed.

#### Article 141

1. The province is a local entity with its own juridical identity determined by the collection of municipalities and territorial division for the fulfillment of the activities of the state. Any change in the provincial limits must be approved by the General Cortes by means of an organic law.
2. The government and autonomous administration of the provinces shall be entrusted to deputations or corporations of a representative nature.
3. The grouping of different municipalities of the province may be created.
4. In the archipelagos each island shall also have its own administration in the form of chapters or councils.

#### Article 142

The local treasuries shall have the means necessary for carrying out the functions which the law authorizes the respective corporations and they shall be supported basically by their own taxes and by sharing those of the state and the autonomous communities.

## Chapter III

### On the Autonomous Communities

#### Article 143

1. In the exercise of the right of autonomy recognized in Article 2 of the Constitution, bordering provinces with common historical, cultural and



economic characteristics, the island territories and the provinces with a historical regional entity may agree to self-government and become autonomous communities pursuant to the provisions of that title and the various statutes.

2. The initiative for the autonomous process belongs to all the interested deputations or to the pertinent interisland body and to two-thirds of the municipalities whose population represents at least the majority of the voters of each province or island. These requirements must be fulfilled within a period of 6 months after the first agreement is adopted on the subject by one of the interested local corporations.

3. The initiative, in case it does not prosper, can only be repeated after the passage of 5 years.

#### Article 144

The General Cortes by means of an organic law may for reasons of national interest:

- a) Authorize the constitution of an autonomous community when its territorial area does not exceed that of a province and does not have the conditions set forth in Article 143.
- b) Authorize or agree, depending on the case, on an autonomy statute for territories which are not integrated into the provincial organization.
- c) Replace the initiative of the local corporations to which paragraph 2 of Article 143 refers.

#### Article 145

- 1. In no case shall the federation of autonomous communities be allowed.
- 2. The statutes may contain the conditions, requirements and terms under which the autonomous communities may establish agreements among themselves for the administration and rendering of services pertaining to them, as well as the nature and purposes of the corresponding communication of them to the General Cortes. Under other conditions, cooperation agreements between autonomous conditions will require the authorization of the General Cortes.

#### Article 146

The draft for statutes shall be prepared by an assembly consisting of members of the Deputation or interinsular organ of the provinces affected and of the deputies and senators elected in it, and it shall be forwarded to the General Cortes for its processing into law.

#### Article 147

1. Within the terms of the present Constitution, statutes shall be the basic institutional guidelines of each autonomous community and the State shall recognize them and safeguard them as an integral part of its legal regulations.
2. The statutes of autonomy must contain the following:
  - a) The name of the community which best matches its historical identity.
  - b) The delimitation of its territory.
  - c) The name, organization and location of its own autonomous institutions.
  - d) The responsibilities assumed within the framework of the Constitution and the basis for the transfer of the corresponding services to them.
3. Reform of statutes shall be in accordance with the procedures established in them and shall in any case require the approval of the General Cortes through an organic law.

#### Article 148

1. The autonomous communities may assume responsibilities in the following matters:
  - a) Organization of their self-government institutions.
  - b) Changes in the municipal boundaries contained within its area, and in general in the functions which could belong to the state administration according to what legislation may establish with respect to the local system.
  - c) Regulation of the territory, urbanism and housing.
  - d) Public works of interest to the autonomous community.
  - e) Railways and highways which run completely in the territory of the autonomous community and within the same boundaries, transportation carried out by these means or by cable.
  - f) Ports of refuge, sports ports and airports and generally all those which do not carry out commercial activities.
  - g) Agriculture and livestock raising pursuant to the general regulations of the economy.
  - h) Forests and forestry.

- i) Activities in matters of environmental protection.
  - j) Water projects, canals and irrigation systems of interest to the autonomous community and mineral and thermal waters.
  - k) Fishing in jurisdictional waters, hunting and river fishing.
  - l) Interior fairs.
  - m) Promotion of the economic development of the autonomous community within the objectives marked by the national economic policy.
  - n) Handicrafts.
  - n(a) Museums, libraries and musical conservatories of interest for the autonomous community.
  - o) Monuments of interest to the autonomous community.
  - p) Promotion of culture, research, and in its case, the teaching of the language of the autonomous community.
  - q) Promotion and regulation of tourism within its territorial area.
  - r) Promotion of sports and leisure time.
  - s) Welfare and social assistance.
  - t) Health and hygiene.
  - u) Custody and protection of its buildings and installations; coordination and other attributes with respect to local police under the terms an organic law may establish.
2. After 5 years have passed, and through the reform of its statutes, the autonomous communities may then expand their responsibilities within the framework established in Article 143 and subsequent articles.

#### Article 149

1. The state has the exclusive authority over the following matters:
- 1st. Regulation of the basic conditions which guarantee the equality of all Spaniards in the exercise of their rights and fulfillment of constitutional duties.
  - 2d. Nationality, immigration, emigration, aliens and the right of asylum.
  - 3d. International relations.
  - 4th. Defense and the Armed Forces.

5th. Administration of justice.

6th. Mercantile, penal and prison legislation; trial legislation, without prejudice to the necessary specialties which in this order may derive from the peculiarities of substantive law of the autonomous communities.

7th. Labor legislation, without prejudice to its execution by the organs of the autonomous communities.

8th. Civil legislation without prejudice to the preservation, modification and exercise of statutory civil or special rights, where they may exist, by the autonomous communities. In every case, the rules relative to the application and effectiveness of juridical norms, juridico-civil relations having to do with the form of matrimony, regulation of registers and mortgages, the bases for contractual obligations, norms for resolving the conflicts of laws and the determination of the sources of rights, in the latter case, with respect to the norms of statutory rights.

9th. Legislation on intellectual and industrial copyrights.

10th. System of customs, tariffs and foreign trade.

11th. Monetary system, foreign credits, exchange and convertibility; the general bases for the regulation of credit, banking and insurance.

12th. Legislation on weights and measures, determination of the official time.

13th. Bases and coordination of economic activity general planning.

14th. General finance and debt of the state.

15th. Promotion and general coordination of scientific and technical research.

16th. External health. Bases and general coordination of health. Legislation on pharmaceutical products.

17th. Basic legislation and economic system of Social Security, without prejudice to the execution of its services by the autonomous communities.

18th. The foundations of the juridical system of the public administrations and the statutory system for its officials which in every case guarantees to those administered that they will receive a common treatment by them; a common administrative procedure, without prejudice to the specialties deriving from the individual organization of the autonomous communities; legislation on forcible expropriations; basic legislation on contracts and administrative concessions, and the system of responsibility of all public administrations.

19th. Ocean fishing, without prejudice to the authority attributed to the autonomous communities in the regulation of the sector.

20th. Merchant marine and the ownership of ships; lighting of coasts and maritime signals; ports of general interest, airports of general interest, air traffic and transportation, meteorological service and licensing of aircraft.

21st. Railroads and land transportation which crosses through the territory of more than one autonomous community; general communications system; traffic and movement of motor vehicles; main and telecommunications; aerial cables, submarine cables and radio communications.

22d. Legislation, regulation and concession of water resources and projects when the waters run through more than one autonomous community and the authorization of electrical installations when their use affects another community or the transmission of power goes beyond its territorial area.

23d. Basic legislation on environmental protection without prejudice to the authority of the autonomous communities for establishing additional standards of protection. Basic legislation on forests, forestry projects and livestock trails.

24th. Public works of general interest or whose accomplishment affects more than one autonomous community.

25th. Bases of the mining and energy system.

26th. System of production, sale, possession and use of weapons and explosives.

27th. Basic norms of the system of press, radio and television, and in general, of the other means of social communication, without prejudice to the faculties which in their development and execution belong to the autonomous communities.

28th. Protection of the cultural, artistic and monument patrimony of Spain against exportation and plundering; museums, libraries and archives belonging to the State without prejudice to their operation by the autonomous communities.

29th. Public security, without affecting the possibility of the creation of police by the autonomous communities in the manner which may be established in the respective statutes within the framework of the provisions of the organic law.

30th. Regulations for obtaining, issuing and approving academic and professional degrees and basic norms for carrying out Article 27 of the Constitution in order to guarantee compliance with the obligations of the public authorities in this matter.

31st. Statistics for state purposes.

32d. Authorization for the convocation of popular consultations via referendum.

2. Without prejudice to the authority which the autonomous communities may assume, the state believes the service of culture as a duty and essential attribute and will facilitate cultural communication among the autonomous communities accordingly.

3. Matters not attributed expressly to the State by this Constitution may be the purview of the autonomous communities because of their respective statutes. Authority on matters not assumed by the statutes of autonomy will belong to the State, whose laws shall prevail in case of conflict over those of the autonomous communities in everything which is not attributed to their exclusive authority. The law of the State shall in every case be supplementary to the law of the autonomous communities.

#### Article 150

1. In matters within the purview of the State, the General Cortes may grant to all or one of the autonomous communities the authority to dictate for itself legislative norms within the framework of the principles, bases and directives established by a state law. Without prejudice to the authority of the courts, within the framework of every law shall be established the method of supervision by the General Cortes over these legislative norms of the autonomous communities.

2. By means of an organic law the State may transfer or delegate to the autonomous communities those faculties on matters within the purview of the state, which because of their own nature are susceptible to transfer or delegation. In each case, the law shall contain the pertinent transfer of financial means as well as the forms of control the state reserves for itself.

3. The state may dictate laws which establish the principles required to harmonize the regulatory provisions of the autonomous communities even in the case of matters within their purview when the general interest so demands. It is up to the General Cortes, by the absolute majority in each Chamber, to evaluate this requirement.

#### Article 151

1. It shall not be necessary to allow the passage of 5 years, to which paragraph 2 of Article 148 refers, when the initiative of the autonomous process is agreed upon within the period contained in Article 143 paragraph 2, by three-fourths of the municipalities of each of the provinces affected, representing at least the majority of the voters in each of them, and that initiative is ratified through a referendum by the affirmative vote of the absolute majority of the voters of each province under the terms established by an organic law, in addition to agreement by the pertinent deputations or interisland bodies.



2. In the case foreseen in the preceding paragraph, the procedure for the preparation of the statute shall be the following:

1st. The government will convoke all the deputies and senators elected in the districts of the territorial area which is attempting to achieve self-government so that they will form an assembly for the sole purpose of preparing the corresponding draft of the statutes of autonomy through an agreement of the absolute majority of its members.

2d. Once the draft of the statutes is approved by the assembly of legislators, it will be forwarded to the Constitutional Commission of the Congress within a period of 2 months. The Commission will examine it with the help and attendance of a delegation of the proposing assembly so as to make a determination, by common agreement, on its final formulation.

3d. If such an agreement is reached, the resulting text shall be submitted to a referendum of the electoral body of the provinces contained within the territorial area of the projected statute.

4th. If the draft statute is approved in each province by the majority of the votes validly cast, it shall be submitted to the General Cortes. The full representation of both chambers shall decide on the text through a ratification vote. Once the statute is approved, the King shall approve it and pass it as a law.

5th. If the agreement to which the 2d subparagraph of this paragraph refers is not forthcoming, the draft statute shall be handled as a draft law bill before the General Cortes. The text approved by them shall be submitted to a referendum of the voters in the provinces which make up the territory of the projected statute. In case it is approved by the majority of validly cast votes, it shall be promulgated under the terms of the foregoing paragraph.

#### Article 152

1. In the statutes approved by the procedures referred to in the preceding article, the institutional autonomous organization shall be based on a legislative assembly elected by universal suffrage according to a system of proportional representation which shall also insure the representation of the various zones of the territory; a Council of Government with executive and administrative functions, and a president elected by the assembly from among its members and appointed by the King. The president shall head the Council of Government, and he shall be the highest representative of the pertinent community and the ordinary representative of the state in the community. The president and the members of the Council of Government shall be politically responsible to the assembly.

A superior court of justice, without prejudice to the jurisdiction of the Supreme Court, will head the judicial organization within the territorial area of the autonomous community. In the statutes of the autonomous communities may be established the conditions and the forms of participation

of the former in the organization of the judicial divisions of the territory. All this must be pursuant to the provisions of the organic law of the judicial branch and within the framework of its unity and independence.

Without prejudice to the provisions contained in Article 123, the lower trial courts shall in turn present their cases before the judicial organs located in the same territory of the autonomous community in which the pertinent court of the first instance is located.

2. Once the respective statutes and their subsequent reforms are approved and passed, they may only be modified via the procedures established in them and through a referendum among the voters registered in the pertinent census.

3. Through the grouping of bordering municipalities, the statutes may establish their own territorial districts, which will enjoy full juridical identity.

#### Article 153

Supervision of the activities of the bodies of the autonomous communities shall be exercised by:

- a) By the Constitutional Court on matters having to do with the constitutionality of their normative measures with the force of law.
- b) By the government after a decision by the Council of State on the exercise of functions delegated as referred to in paragraph 2 of Article 150.
- c) By the litigious-administrative jurisdiction on matters of autonomous administration and its regulatory norms.
- d) By the Exchequer with respect to economic and budget matters.

#### Article 154

A delegate appointed by the government shall head the administration of the State in the territory of the autonomous community and will coordinate it, when applicable, with the administration of the community itself.

#### Article 155

1. If an autonomous community does not fulfill the obligations which the Constitution or other laws impose on it, or it acts in such a manner that it seriously affects the general interest of Spain, the government, after summoning the president of the autonomous community, and in case he is not heeded, with the approval of the absolute majority of the Senate, may adopt the measures necessary to force that community to comply mandatorily with said obligations or for the protection of the aforementioned general interest.

2. For the execution of the measures contained in the foregoing paragraph, the government may give instructions to all the authorities of the autonomous communities.

#### Article 156

1. The autonomous communities shall enjoy financial autonomy for carrying out and executing their responsibilities in keeping with the principles of coordinating with the state Ministry of Finance and of solidarity among all the Spaniards.

2. The autonomous communities may act as delegates or collaborators of the state for the collection, handling and liquidation of tax revenues of the state according to the laws and statutes.

#### Article 157

1. The resources of the autonomous communities shall consist of:

a) Taxes totally or partially granted by the State; surcharges on State taxes and other participations in the revenues of the State.

b) Their own taxes and special rates and levies.

c) Transfers from an interterritorial compensation fund and other allocations from the State General Budgets.

d) Yields from its own property and private income.

e) The result of credit operations.

2. The autonomous communities may in no case adopt tax measures over property located outside their territory or which presupposes an obstacle to the free traffic of merchandise or services.

3. Through an organic law, the exercise of the financial rights listed in paragraph 1 above may be regulated as well as norms for resolving conflicts which could arise and the possible forms of financial collaboration between the autonomous communities and the State.

#### Article 158

1. An allocation for the autonomous communities could be established in the State General Budgets in terms of the volume of state services and activities they may assume and the guarantee that at least a minimum standard prevailing throughout Spanish territory will be maintained in providing those basic public services.

2. For the purpose of correcting interterritorial economic imbalances and to make effective the principle of solidarity, a Compensation Fund shall be created destined for investment expenditures, whose resources shall be distributed by the General Cortes among the autonomous communities and provinces as required.

## Title IX

### On the Constitutional Court

#### Article 159

1. The Constitutional Court consists of 12 members appointed by the King, 4 proposed by the Congress by a three-fifths majority of its members; 4 at the proposal of the Senate with a like majority; 2 proposed by the government and 2 proposed by the General Council of the Judicial Branch.

2. The members of the Constitutional Court should be appointed from among magistrates and attorneys, university professors, public officials and lawyers, all of them jurists of recognized ability with more than 15 years in the exercise of their profession.

3. The members of the Constitutional Court shall be appointed for a period of 9 years and one-third of them shall be renewed every 3 years.

4. Status as a member of the Constitutional Court is incompatible with: any representative mandate, political or administrative positions, the performance of leadership functions in a political party or a union, or with employment in their service, the exercise of the judicial and fiscal careers or with any professional or mercantile activity. For the rest, the members of the Constitutional Court shall have the same restrictions as the members of the Judicial Branch.

5. The members of the Constitutional Court shall be independent and may not be removed during their term of office.

#### Article 160

The president of the Constitutional Court shall be appointed from among its members by the King at the proposal of the full court itself and for a period of 3 years.

#### Article 161

1. The Constitutional Court has jurisdiction in all of Spanish territory and is authorized to hear:

a) Petitions of unconstitutionality against laws or normative provisions with the force of law. The declaration of unconstitutionality of a legal norm with the rank of a law, interpreted by jurisprudence, will affect it, although the sentence or sentences imposed shall not lose their standing as judgments.

b) The petition for protection from violations of rights and freedoms referred to in Article 53, paragraph 2 of this Constitution in the cases and forms the law may establish.

c) Jurisdictional conflicts between the State and the autonomous communities, or between the latter.

d) Other matters attributed to it by the Constitution or organic laws.

2. The government may impugn the dispositions and resolutions adopted by the bodies of the autonomous communities before the Constitutional Court. Such impugnation shall cause the suspension of the disposition or resolution impugned but the Court must either confirm it or raise the suspension within the maximum period of 5 months.

#### Article 162

The following are legally authorized to do the following:

a) The president of the government, the public defender, 50 deputies, 50 senators, the presidents of the executive collegiate bodies of the autonomous communities, and when applicable their assemblies are authorized to file the petition of unconstitutionality.

b) Every natural or legal person may file a petition for protection if he invokes a legitimate interest, as may the public defender and the attorney general's office.

2. In the remainder of cases, the organic law shall determine the persons and agencies legally entitled.

#### Article 163

When a legal agency believes that in some trial a norm with the rank of law, applicable to the case and on whose validity the decision depends, may be contrary to the Constitution, it will pose the question to the Constitutional Court under the conditions, the form and purposes established by the law, which in no case shall be suspensory.

#### Article 164

1. The sentences of the Constitutional Court shall be published in the STATE OFFICIAL BULLETIN together with the individual votes, if pertinent.

They have the status of a judgment as of the day following their publication and there is no recourse whatever against them. Those sentences which declare the unconstitutionality of a law or a regulation with the force of a law, and all those which do not restrict themselves to the subjective consideration of a right are fully effective before all.

2. Unless otherwise determined, the law shall remain effective in the part not affected by unconstitutionality.

#### Article 165

An organic law shall regulate the operations of the Constitutional Court, the statute of its members, procedures before it, and the conditions for the exercise of activities.

#### Title X

##### On Constitutional Reform

#### Article 166

The initiative for constitutional reform shall be exercised under the terms contained in paragraphs 1 and 2 of Article 87.

#### Article 167

1. The plans for constitutional reform must be approved by a three-fifths majority of each of the chambers. If there is no agreement between them, an attempt will be made to reach it through the creation of a committee with an equal number of deputies and senators, which will present a text to be voted on by the Congress and the Senate.

2. If no approval is obtained through the procedures of the foregoing paragraph, and always provided that the text had obtained the favorable vote of the absolute majority of the Senate, the Congress could approve the reform by a two-thirds majority.

3. Once the reform is approved by the General Cortes, it shall be submitted to a referendum for its ratification when it is so requested, within 15 days after its approval, by one-tenth of the members of either chamber.

#### Article 168

1. When a total revision of the Constitution is proposed, or a partial one which affects the Preliminary Title, Chapter II, Section 1 of Title I or Title II, approval of the principle by a two-thirds majority of each chamber shall be accomplished and the Cortes shall be dissolved immediately.

2. The elected chambers should ratify the decision and proceed to the study of the new constitutional text, which must be approved by two-thirds of both chambers.

3. Once the reform is approved by the General Cortes, it shall be submitted to a referendum for its ratification.



## Article 169

Constitutional reform may not be initiated in time of war or while one of the states contained in Article 116 is in effect.

### Additional Provisions

First. The Constitution protects and respects the traditional rights of the legal territories.

The general updating of that legal system will be accomplished where applicable within the framework of the Constitution and the Autonomy Statutes.

Second. The declaration of adulthood contained in Article 12 of this Constitution does not prejudice the situations protected by legal rights within the framework of individual rights.

Third. The modification of the economic and fiscal system of the Canary Archipelago will require a prior report by the autonomous community or if applicable, from the provisional autonomous body.

Fourth. In those autonomous communities where more than one territorial court has its offices, the statutes of autonomy may maintain those already existing, distributing jurisdictions between them, always pursuant to the provisions of the organic law of the Judicial Branch and with a view to its unity and independence.

### Temporary Provisions

First. In the territories with a provisional system of autonomy, their higher collegiate bodies, through an agreement adopted by the absolute majority of their members, may substitute for the initiative which paragraph 2 of Article 143 grants the provincial deputations or to the pertinent inter-island bodies.

Second. Those territories which in the past had an affirmative plebescite on the projects for statutes of autonomy and have, at the time that this Constitution is promulgated, provisional systems of autonomy, can proceed immediately, in the manner contained in paragraph 2 of Article 148, when its superior, collegiate, preautonomous bodies so agree by an absolute majority, and they shall inform the government of this fact. The project of the statute shall be prepared according to the provisions of Article 151, paragraph 2, at the convocation of the collegiate, preautonomous body.

Third. Initiation of the autonomous process by the local corporations or by their members as foreseen in paragraph of Article 143, is understood to be deferred with all its effects, until the holding of the first local elections once the Constitution is in effect.

Fourth. 1. In the case of Navarra, and for the purpose of its incorporation into the General Basque Council or to the Basque autonomous system which may replace it, instead of the provisions of Article 143 of the Constitution, the initiative belongs to the pertinent legal body, which shall adopt its decision by the majority of the members which make it up. For the validity of such initiative, it shall be necessary also that the decision of the pertinent legal body be ratified by a referendum expressly convoked for that purpose, and approved by the majority of the valid votes cast.

2. If the initiative is not successful, it may only be repeated within a different period of the term of the pertinent legal body, and in any case, when a minimum period as established in Article 143 has elapsed.

Fifth. The cities of Ceuta and Melilla may become autonomous communities if their city governments so decide by an agreement adopted by the absolute majority of their members and it is authorized by the General Cortes by means of an organic law under the terms contained in Article 144.

Sixth. When several draft statutes are submitted to the Constitutional Commission of the Congress, they shall be approved in the order in which they are taken up by it, and the 2-month period to which Article 151 refers shall begin as of the time the commission finishes the study of the draft or drafts it has studied successively.

Seventh. The preautonomous provincial bodies shall be considered dissolved in the following cases:

- a) Once the bodies, which are established by the statutes approved according to this Constitution, are created.
- b) In the hypothesis that the initiative of the autonomous process is unsuccessful because it does not fulfill the requirements contained in Article 143.
- c) If the preautonomous body did not exercise the right granted to it by the first transitory provision within a period of 3 years.

Eighth. 1. The Chambers, which have approved this Constitution, shall assume, once it has gone into effect, the functions and authorities contained in it for the Congress and the Senate, respectively, but in no case will their term be extended beyond 15 June 1981.

2. With respect to the provisions of Article 99, the promulgation of the Constitution shall be considered as a constitutional condition in which its application is applicable. Therefore, as of the aforementioned promulgation, a period of 30 days shall be opened for the application of the provisions of that article.

During that period, the present prime minister of the government, who will assume his functions and authority established for that purpose by the Constitution, may opt to use the authority recognized by Article 115, or give way via his resignation to the application of the provisions of Article 99, remaining, in this last case, in the situation foreseen in paragraph 2 of Article 101.

3. In the case of dissolution, pursuant to the provisions of Article 115, if there has been no legal application of the provisions of Articles 68 and 69, the previously existing regulations shall apply to the elections with the sole exceptions of those provisions applicable to ineligibilities and restrictions contained in the second section, subparagraph c) paragraph 1 of Article 70 of the Constitution, as well as the provisions of the Constitution with respect to the voting age and the provisions of paragraph 3, Article 69.

Ninth. Three years after the first election of the members of the Constitutional Court, a drawing will be held for the appointment of a group of four members of the same background as the four elected members who must retire and be replaced. For this purpose, the two members designated by the government and the two designated by the General Council of the Judicial Branch shall be considered as being of the same background as those they replace. In like fashion, after another 3 years have gone by, the two groups not affected by the previous drawing, shall undergo the same process. As of that time the provisions of Article 159, paragraph 3 shall go into effect.

#### Abolishment Provisions

1. Law 1/1977 dated 4 January for Political Reform, is abolished. Also abolished, provided they have not already been abolished by the aforementioned law, are the following: the Law of Fundamental Principles of the Movement of 17 May 1958, the Statute of Spaniards dated 17 July 1945, the Labor Law of 9 March 1938, the Cortes Constituent Law of 17 July 1942, the Law on Succession to the Chief of State dated 26 July 1947, all of them modified by the Organic Law of the State dated 10 January 1967. Also abolished under the same terms are the aforementioned Organic Law of the State and that on the National Referendum dated 22 October 1945.

2. Since it could still have some effect, the royal decree dated 25 October 1839 is considered to be definitively abolished in that which could affect the provinces of Alava, Guipuzcoa and Vizcaya.

3. Also abolished are all provisions which are contrary to that which is established in this constitution.

#### Final Provision

This Constitution shall go into effect on the same day its official text is published in the STATE OFFICIAL BULLETIN. It shall also be published in the other languages of Spain.

Palace of the Cortes, 26 October 1978--President Antonio Hernandez Gil.

**END OF**

**FICHE**

**DATE FILMED**

October 10, 1980

P.S.